IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1223 OF 2007
IN
APPEAL NO. 511 OF 2007

Mubarak A. Rehman ....Applicant.
V/s
S.P.Singh & Ors. ....Respondents.

Mr.Taraq Sayed h/f Ms.Aparna Shinde, Adv. For the applicant.

Ms.Poornima Kantharia, Adv. For the respondent No.1.

Ms.M.H.Mhatre, APP for the State.

CORAM: A.P.DESHPANDE, J.
4/12/07

PC:

The present applicant is accused No.1 who has been convicted and sentenced by NDPS court in Special Case No.71/2000. The applicant is sentenced to suffer R.I. For 10 years and pay fine of Rs.1 lac on each count for the offence punishable under section 21(C) so also under sections 28 and 29 of NDPS Act. The present application is pressed in service on the ground of parity. Learned counsel for the applicant submits that accused Nos. 2, 4 and 5 who are similarly situated have been released on bail by an order passed by the learned Single Judge of this Court B.H.Marlapalle, J. vide order dated 30.7.07. It is undisputed that the present applicant has been in jail since the time he was taken in custody i.e. 18.2.2000. Thus the applicant has almost completed

eight years in custody. The accused Nos. 2, 4 and 5 have been released on bail by this Court mainly for the reason that they have been in jail for more than seven years by placing reliance on case of ***Mansingh*** v. ***Union of India***, (2006) 1 SCC (Cri.) 279. In the result application is allowed. On depositing the fine amount within a period of four weeks from today the order of sentence passed in Special Caase No.71/2000 is hereby suspended. The applicant shall be released on bail pending hearing of the appeal and on furnishing PR bond in the sum of Rs.10,000/- with two solvent sureties in the like amount. When the appeal would be listed for hearing the applicant shall remain present in this Court. The applicant shall report to the Narcotic Control Bureau Office at Ballard Pier, Mumbai once a week. The applicant till the decision of the appeal shall not leave India.

4.12.07